

**FILED**

JUN 21 2011

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

FRANK E BELL 38971-007  
Beckley FCI  
P.O. Box 1280  
Beaver, WV 25813

(Enter your full name, prison number  
and address)

v.

U.S. Department of  
Justice  
Federal Bureau of  
Prisons

(Enter the full name and address(es),  
if know, of the defendant(s) in this  
action)

Case: 1:11-cv-01136

Assigned To : Unassigned

Assign. Date : 6/21/2011

Description: Pro Se Gen. Civil

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

**Instructions for filing a Complaint by a Prisoner  
Under the Civil Rights Act, 42 U.S.C. § 1983**

This packet contains one copy of a complaint form and one copy of an application to proceed *in forma pauperis*. To start an action, you must file an original and one copy of this complaint form.

Your complaint must be clearly handwritten or typewritten and you must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use another blank page.

Your complaint can be brought in this Court only if one or more of the named defendants is located within the District of Columbia. Further, you must file a separate for each claim that you have unless they are related to the same incident or problem. The law requires that you state only facts in your complaint.

You must supply a certified copy of your prison trust account, pursuant to the provisions of 28 U.S.C. §1915, effective April 26, 1996. The filing fee is \$350.00. If insufficient funds exist in your prison account at the time of filing your complaint, the court must access, and when funds exist, collect an initial filing fee equal to 20 percent of the greater of:

- (1) the average monthly deposits to your prison account, or
- (2) the average monthly balance of your prison account for the prior six-month period.

**RECEIVED**

JUN - 2 2011

**SUPERIOR COURT**

**RECEIVED**

JUN - 2 2011

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Thereafter, you are required to make monthly payments of 20% of the preceding month's income. The agency having custody over you must forward payments from your account to the clerk of the court each time the amount in the account exceeds \$10.00 until the filing fees are paid.

Therefore, before an assessment can be made regarding your ability to pay, you must submit a certified copy of your prison account for the prior six-month period.

When this form is completed, mail it and the copy to the Clerk of the United States District Court for the District of Columbia, 333 Constitution Ave., N.W., Washington, D.C. 20001.

## I. SUCCESSIVE CLAIMS

Pursuant to the Prison Litigation Reform Act of 1995, unless a prisoner claims to be in "imminent danger of serious physical injury," he or she may not file a civil action or pursue a civil appeal *in forma pauperis* "if the prisoner has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or they failed to state a claim upon which relief could be granted."

## II. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes ( ) No ☒
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes ( ) No ☒
- C. If your answers to A or B is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit.

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

2. Court (If federal court, please name the district; if state court name the county.)

\_\_\_\_\_

3. Docket number: \_\_\_\_\_

4. Name of judge to whom case was assigned: \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
6. Approximate date of filing lawsuit: May 12, 2011
7. Approximate date of disposition: \_\_\_\_\_

### III. PLACE OF CONFINEMENT

FCI Beckley West Virginia

- A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ( )  
If your answer is Yes, go to Question III B. If your answer is No, skip Questions III, B, C and D and go to Question III E.
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?  
Yes ☒ No ( )
- C. If your answer is Yes to Question III B:
1. To whom and when did you complain? Ms. D. Trump (Records)  
W. Westcott (Counselor), Mr. Snow (Unit Manager)  
Mr. Ray (Case Manager), J. Ziegler (Warden)
  2. Did you complain in writing? (Furnish copy of the complaint you made, if you have one.) Yes ☒ No ( )
  3. What, if any, response did you receive? (Furnish copy of response, if in writing.) Furnished.
  4. What happened as a result of your complaint? Extension of time  
for response - Administrative Remedy.
- D. If your answer is No to Question III B, explain why not. \_\_\_\_\_
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ( ) No ( )
- F. If your answer is Yes to Question III E;
1. To whom and when did you complain? \_\_\_\_\_

2. Did you complain in writing? (Furnish copy of the complaint you made, if you have one.) Yes ☒ No ( )
3. What, if any response did you receive? (Furnish copy of response, if in writing.)  
Furnished
4. What happened as a result of your complaint? By the the time the Region respond to my complaint, they will be well over my statutory release Date.

#### IV. PARTIES

In item A below, place your name and prison number in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: FRANK E BELL 38971-007  
Address: FCI Beckley West VA

In item B below, place the full name of the defendant(s) in the first blank, their official position in the second blank, their place of employment in the third blank, and their address in the fourth blank. Do the same for additional defendants, if any.

B. Defendant: \_\_\_\_\_  
Address: \_\_\_\_\_

Defendant: \_\_\_\_\_  
Address: \_\_\_\_\_

Defendant: \_\_\_\_\_  
Address: \_\_\_\_\_

Defendant: \_\_\_\_\_  
Address: \_\_\_\_\_

Defendant: \_\_\_\_\_  
Address: \_\_\_\_\_

# V. STATEMENT OF CLAIM

State here briefly as possible the facts of your case. Describe how each defendant is involved. Include the names of other persons involved, dates, and places. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra sheets, if necessary.

Federal Bureau of Prisons is in violation of my sentencing guidelines under the commencement of sentence 3585-A criminal procedure. They refuse to compute all my jail credits which ~~are~~ caused an insufficient release date.

This act has caused great anguish for me as an inmate. With proper total prior credit time (jail credits) my release date should be no longer than May 8, 2011.

# VI. RELIEF

State briefly exactly what you want the Court to do for you.

I want the court to grant me compensation for every day I'm held after May 11, 2011 in the amount of \$1,000.00 a day.

Signed this 5 day of May, 2011.

Frank E. Bell  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

May 5, 2011  
(Date)

Frank E. Bell  
(Signature of Plaintiff)

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <b>Records Office</b>	DATE: <b>January 14, 2011</b>
FROM: <b>Bell, Frank E</b>	REGISTER NO.: <b>38971-007</b>
WORK ASSIGNMENT: <b>Ordzely</b>	UNIT: <b>Pine A Lower</b>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

**Request for copies of my computation sheets.  
Im not being credited for jail time. or good time.  
I've been incarcerated since June 27, 2008.  
Release date is August 28, 2011.**

**1/19/11**

**All updated Comp w/ addtl  
Credit applied. D-Trump SCS/**

(Do not write below this line)

## DISPOSITION:

**Attached Certified Sentence Comp.**

**Have e-mailed DSC with regard to  
your jail credit, as I have a question  
as well. Will advise when I get a  
response from them.**

**11 1135  
FILED**

**JUN 21 2011**

**Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia**

Signature Staff Member  
**D Trump SCS/**

Date  
**1-14-11**



U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Bell Frank E 38971-007 Pine AL Beckley W.V.  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A- INMATE REQUEST

Request that sentence computation be corrected. I arrived here in Beckley W.V. on 01-6-2009, my computation date began 01-24-2009.

I've been incarcerated since 6-27-2008 which gives me 186 total prior credit time, I have a misdemeanor sentence of 90 days for which I received a time served sentence on before I got here. I've only received 68 prior credits, I'm still missing 28 prior credits. With a total GCT earned and projected of 141 and the 29 months I have in on this charge I'm supposed to have a May satisfaction date not June. Everything I have written is fact and in black and white, corrections must be made before it has to go in legal matters.

March 2, 2011

DATE

Frank E Bell

SIGNATURE OF REQUESTER

## Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 030206-F1

CASE NUMBER: \_\_\_\_\_

## Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



BEC-1330.13f  
May 31, 2006  
Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM  
FCI BECKLEY, WEST VIRGINIA

Section 1 - To be completed by the Unit Counselor at the time inmate request Administrative Remedy.

Inmate Name: Frank Bell Register Number: 38971-007

Assigned Unit: P.A.L. Counselor: Westcott

Date of Request: 03-02-2011 Date of Incident: \_\_\_\_\_

Specific Complaint: Sentence computation; time incorrect.

Informal Resolution was / was not accomplished. If not accomplished, inmate issued Request for Administrative Remedy Form. Inmate was advised to review Program Statement 1330.13, Administrative Remedy Program, to ensure compliance with filing procedures.

38971-007

\* Frank Bell  
Inmate Signature / Register Number

03-02-2011  
Date

[Signature]  
Counselor Signature

03-02-2011  
Date

Section 2 - To be completed by the Counselor when inmate submits Request for Administrative Remedy Form.

Date Submitted: 03-02-2011

Was issue discussed with the inmate: (YES) / NO. If no, reason: \_\_\_\_\_

Were staff or departments noted in Administrative Remedy contacted: (YES) / NO.

If no, reason. If yes, response: Unable to resolve at institution level.

Informal Resolution was / was not accomplished. If not accomplished, staff submitted Request for Administrative Remedy Form to Administrative Remedy Coordinator.

38971-007

\* Frank Bell  
Inmate Signature / Register Number

03-02-2011  
Date

[Signature]  
Counselor Signature

03-02-2011  
Date

Westcott For  
Unit Manager Signature

03-02-2011  
Date



**REQUEST FOR ADMINISTRATIVE REMEDY**

**BEC-630206-F1**

Your Request for Administrative Remedy received March 11, 2011, regarding the application of jail credit has been reviewed. Specifically, you contend you should receive an additional 28 days of jail credit.

Initial review of your file by the records office revealed you were in service of a 90 day misdemeanor sentence, Case No. 2008 CMD-017648, ordered consecutive to Case No. 2008 CF2-014599, the 36 month sentence you are currently serving. Additionally, the 90 day misdemeanor sentence was ordered consecutive to Case No. 2008 CMD-009451, the 180 day misdemeanor sentence which was ordered concurrent to the 36 month sentence.

The Designation and Sentence Computation Center certified the 36 month sentence on June 11, 2009, applying 7 days prior custody credit (June 27, 2008 to July 3, 2008), with a projected release date of August 28, 2011. The records office determined you were eligible for additional prior custody credits of 61 days, as the 180 day misdemeanor sentence was concurrent to the 36 months, and contacted DSCC in regard to the applicability of additional prior custody credits to your sentence. Subsequently, your sentence computation was re-certified on January 19, 2011, awarding 68 days of prior custody, and with a projected release date of June 28, 2011. With the application of the additional 61 days of prior custody credit, your sentence computation is deemed accurate.

Your request for administrative relief is denied. If dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Mid-Atlantic Region, 302 Sentinel Drive, Suite 200, Annapolis Junction, Maryland 20701, within twenty (20) calendar days of the date of this response.

3-25-11  
Date

*for [Signature]*  
Joel Ziegler, Warden

*delivered by  
unit team*

*03-30-2011*

*PAL/CC*  
*[Signature]*

EXTENSION OF TIME FOR RESPONSE - ADMINISTRATIVE REMEDY

DATE: APRIL 14, 2011

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
MID-ATLANTIC REGIONAL OFFICE

TO : FRANK E BELL, 38971-007  
BECKLEY FCI UNT: PINE QTR: P01-905L

ADDITIONAL TIME IS NEEDED TO RESPOND TO THE REGIONAL APPEAL  
IDENTIFIED BELOW. WE ARE EXTENDING THE TIME FOR RESPONSE AS PROVIDED  
FOR IN THE ADMINISTRATIVE REMEDY PROGRAM STATEMENT.

REMEDY ID : 630206-R1  
~~DATE RECEIVED : APRIL 4, 2011~~  
RESPONSE DUE : JUNE 3, 2011  
SUBJECT 1 : OTHER SENTENCE COMPUTATION  
SUBJECT 2 :  
INCIDENT RPT NO:

Attorney Charles J. O'Brien

## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America  
V.

JUDGMENT IN A CRIMINAL CASE

BELL, FRANK E

Case Number: 2008 CF2 014599

PDID No. 360268

## THE DEFENDANT:

☒ ENTERED A PLEA OF GUILTY TO COUNT (S) 1☐ WAS FOUND GUILTY ON COUNT (S) \_\_\_\_\_  
AFTER A PLEA OF NOT GUILTY.

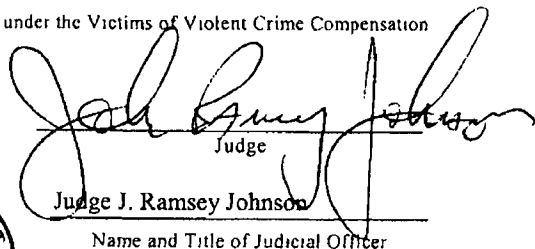
Count	Nature of Charges	Title & Section	Date of Offense
1	Distribution Of a Controlled Substance-Cocaine		06/27/2008

SENTENCE OF THE COURT

As to Count 1: Thirty-six (36) months in prison; followed by five (5) years of supervised release. Sentence is to run concurrently with sentence in case: 2008 CMD 008451.

☒ The defendant is hereby committed to the custody of the Attorney General to be imprisoned for a total term of thirty-six (36) months ☐ MANDATORY MINIMUM term of \_\_\_\_\_ applies.☒ Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years☐ The Court makes the following recommendations to the Bureau of Prisons.☐ The Defendant is also ordered placed on probation - See page 2 of this order for conditions of probationCosts in the aggregate amount of \$ 100.00 dollars have been assessed under the Victims of Violent Crime Compensation Act of 1996, and ☐ have ☒ have not been paidNovember 21, 2008

Date

  
Judge  
Judge J. Ramsey Johnson  
Name and Title of Judicial Officer

Certification by Clerk pursuant to Criminal Rule 32(d)

November 21, 2008

Date

Eric Barreto - Courtroom Clerk

Deputy Clerk



Defendant delivered 1/6/09  
to FCI Seaburg, Brauer, W.  
Ja Horner, ASD



HUNTERS 11/21/2008 2:21:00 PM

BECGD 540*23 *	SENTENCE MONITORING	*	02-28-2011
PAGE 001 *	COMPUTATION DATA	*	15:38:58
	AS OF 02-28-2011		

REGNO...: 38971-007 NAME: BELL, FRANK E

FBI NO.....: 560338DAO	DATE OF BIRTH: 03-17-1966
ARS1.....: BEC/A-DES	
UNIT.....: PINE	QUARTERS.....: P01-905L
DETAINERS.....: YES	NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 03-12-2011

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 06-28-2011 VIA GCT REL

REMARKS.....: RELEASE AUDIT COMPLETED ON 01-19-2011 BY DSCC

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: DIST OF COLUMBIA, SUPERIOR CRT  
DOCKET NUMBER.....: 2008 CF2 014599  
JUDGE.....: JOHNSON  
DATE SENTENCED/PROBATION IMPOSED: 11-21-2008  
DATE COMMITTED.....: 01-06-2009  
HOW COMMITTED.....: DC SUPERIOR COURT COMT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$00.00	\$00.00	\$00.00	\$100.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 620  
OFF/CHG: 48-904.01 DISTRIBUTION OF A CONTROLLED SUBSTANCE-COCAINE

SENTENCE PROCEDURE.....: DC SRAA ADULT SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 36 MONTHS  
TERM OF SUPERVISION.....: 5 YEARS  
DATE OF OFFENSE.....: 06-27-2008

G0002 MORE PAGES TO FOLLOW . . .

BECGD 540\*23 \* SENTENCE MONITORING \* 02-28-2011  
 PAGE 002 \* COMPUTATION DATA \* 15:38:58  
 AS OF 02-28-2011

REGNO...: 38971-007 NAME: BELL, FRANK E

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 01-19-2011 AT DSC AUTOMATICALLY  
 COMPUTATION CERTIFIED ON 01-19-2011 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
 CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 01-24-2009  
 TOTAL TERM IN EFFECT.....: 36 MONTHS  
 TOTAL TERM IN EFFECT CONVERTED...: 3 YEARS  
 EARLIEST DATE OF OFFENSE.....: 06-27-2008

JAIL CREDIT.....:	FROM DATE	THRU DATE
	06-27-2008	07-03-2008
	08-27-2008	10-26-2008

TOTAL PRIOR CREDIT TIME.....: 68  
 TOTAL INOPERATIVE TIME.....: 0  
 TOTAL GCT EARNED AND PROJECTED..: 141  
 TOTAL GCT EARNED.....: 108  
 STATUTORY RELEASE DATE PROJECTED: 06-28-2011  
 EXPIRATION FULL TERM DATE.....: 11-16-2011

PROJECTED SATISFACTION DATE.....: 06-28-2011  
 PROJECTED SATISFACTION METHOD...: GCT REL

REMARKS.....: SERVING Misd SENTENCE 08 CMD 17548 UNTIL 01-24-2009  
 RE-COMPUTED TO CHANGE JAIL CREDIT ON 01-13-2011.

G0002 MORE PAGES TO FOLLOW . . .

BECGD 540*23 *	SENTENCE MONITORING	*	02-28-2011
PAGE 003 OF 003 *	COMPUTATION DATA	*	15:38:58
	AS OF 02-28-2011		

REGNO..: 38971-007 NAME: BELL, FRANK E

----- CURRENT DETAINERS: -----

DETAINER NO..: 001  
DATE LODGED..: 11-30-2010  
JURISDICTION.: STATE OF VIRGINIA  
AUTHORITY....: ARLINGTON COUNTY, VA SHERIFF  
CHARGES.....: WARRANT FOR PROBATION VIOLATION

G0000 TRANSACTION SUCCESSFULLY COMPLETED